



IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/594,586

Filing Date: June 15, 2000

Applicant: Joseph M. CANNON et al.

Group Art Unit: 2618

Examiner: Marceau Milord

Title: METHODS AND SYSTEMS FOR CONFIGURING WIRELESS DEVICES

Attorney Docket: 129250-000910/US

APPLICANTS'/APPELLANTS' BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

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Alexandria, VA 22314

May 15, 2007



APPELLANTS' BRIEF ON APPEAL
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APPELLANTS' BRIEF ON APPEAL

I. REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies Inc. Assignment of the application was submitted to the U.S. Patent and Trademark Office and recorded at Reel 010917, Frame 0386.

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-62 were pending in the application, prior to the filing of the instant appellate brief, with claims 1, 17, 33 and 48 being written in independent form.

Claims 1-62 were finally rejected under 35 USC §103 as allegedly being unpatentable over U.S. Patent No. 6,085,098 to Moon et. al. ("Moon") in view of U.S. Patent No. 6,243,574 to McGregor et al ("McGregor"). Claims 1-32 are being appealed.

IV. STATUS OF AMENDMENTS:

A Request for Reconsideration ("Request") was filed on February 5, 2007. In an Advisory Action dated March 7, 2007 the Examiner stated that the Request was considered but did not place the application in condition for allowance. To further place the application in better form for appeal and/or in condition for allowance, the Appellants have now canceled claims 33-62. The Appellants further submit that the cancellation of these claims does not raise any new issues requiring further search and/or consideration, and does not

present any additional claims without canceling the corresponding number of finally rejected claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

(i). Overview of the Subject Matter of the Independent Claims

The present invention is directed at the remote configuration of a wireless device by a user via the user's wireless service provider. More specifically, independent claim 1 reads as follows (specification citations follow in parenthesis):

- 1.) A method for configuring a wireless device comprising:
displaying settings of a separate wireless device; and
transmitting selected settings to a wireless service provider.**

(See specification, page 5, line 6 to page 6, line 4, for example).

Independent claim 17 reads as follows:

- 17.) A system for configuring a wireless device comprising:
a configuration interface adapted to display settings of a
separate wireless device and to transmit selected settings to a wireless
service provider.**

(See specification, page 5, line 6 to page 6, line 4, for example).

In order to make the overview set forth above concise the disclosure that has been included, or referred to, above only represents a portion of the total disclosure set forth in the Specification that supports the independent claims.

(ii). The Remainder of the Specification Also Supports the Claims

The Appellants note that there may be additional disclosure in the Specification that also supports the independent and dependent claims.

Further, by referring to the disclosure above the Appellants do not represent that this is the only evidence that supports the independent claims nor do Appellants necessarily represent that this disclosure can be used to fully interpret the claims of the present invention. Instead, this disclosure is an overview of the claimed subject matter.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

Appellants seek the Board's review and reversal of the rejection of claims 1-32 under 35 USC §103 based on U.S. Patent No. 6,085,098 to Moon et al. ("Moon") in view of U.S. Patent No. 6,243,574 to McGregor et al ("McGregor").

VII. ARGUMENTS:

Claims 1-32 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Moon in view of McGregor. Appellants respectfully disagree for at least the following reasons.

Initially, Appellants note the acknowledgement by the Examiner in the Final Office Action that Moon does not disclose the steps of displaying settings of a separate wireless device and transmitting selected settings to a wireless service provider. In the Advisory Action, however, the Examiner appears to rely on either Moon or McGregor to reject the claims. Appellants are not sure whether the Examiner is asserting the same 103(a) rejections or raising a §102 issue. Appellants note that earlier during prosecution the Examiner had asserted that Moon disclosed the display features of the claimed inventions, but then withdrew this assertion when the Appellants pointed out that "[a]ll of the settings displayed by Moon are unrelated to the operation of a wireless device. Instead, the settings relate to the determination of a geographical location of a device which is then used to adjust calculator settings." (see Response dated May 24, 2006). If the Examiner is now reasserting his earlier

position, the Appellants hereby incorporate their earlier May 24, 2006 arguments set forth above.

To overcome the deficiencies in Moon, the Final and Advisory Office Actions rely upon McGregor. However, McGregor does not overcome the deficiencies of Moon. More specifically, McGregor does not disclose the transmission of selected wireless device settings to a wireless service provider as in the claims of the present invention.

Instead, the only information transmitted is "errors" that are sent to a system provider's "technical support" staff. These errors occur in a "database" of a "distribution system" used to track the rental of telephones. Such errors are not "wireless device settings".

In the Advisory Action the Examiner does not address the points raised above with respect to McGregor, points which were raised in the Appellants' last Response. Rather, the Examiner appears to repeat his previous positions. It appears that the Examiner is attempting to equate the programming and re-programming of a rental phone with the transmission of wireless device settings to a wireless service provider. The Appellants respectfully disagree.

Even if the programming described in McGregor is somehow interpreted as including a transmission step, the information transmitted during McGregor's programming is transmitted to a phone after the phone has been connected to the programming device by inserting the phone into a "boot" (see column 19, lines 21-25, for example); the information is not transmitted to a wireless service provider.

Accordingly, because neither Moon nor McGregor discloses or suggests a method for configuring a wireless device which comprises the transmission of selected wireless device settings to a wireless service provider, Appellants respectfully request withdrawal of the rejections and allowance of claims 1-32.

Conclusion:

Appellants respectfully request that members of the Board reverse the decision of the Examiner and allow claims 1-32.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A method for configuring a wireless device comprising:
displaying settings of a separate wireless device; and
transmitting selected settings to a wireless service provider.
2. The method as in claim 1 further comprising transmitting the
substantially same settings to the separate wireless device.
3. The method as in claim 2 wherein the separate wireless device
comprises a cellular telephone.
4. The method as in claim 2 wherein the separate wireless device
comprises a cordless telephone.
5. The method as in claim 1 wherein displaying comprises displaying
the settings within a web page.
6. The method as in claim 1 wherein displaying comprises displaying
the settings within an e-mail menu.
7. The method as in claim 1 wherein displaying comprises displaying
the settings within a PDA menu.
8. The method as in claim 1 wherein displaying comprises displaying
the settings within a wireless device menu.
9. The method as in claim 2 wherein transmitting comprises
transmitting the selected settings according to a schedule.
10. The method as in claim 2 wherein transmitting comprises
repeatedly transmitting the selected settings until the separate wireless device
receives the transmission.
11. The method as in claim 2 wherein the selected settings are
transmitted to a separate wireless device identified by a wireless device
communications number.
12. The method as in claim 11 wherein the communications number
comprises a telephone number.

13. The method as in claim 1 wherein the selected settings comprise an existing configuration.

14. The method as in claim 1 wherein the selected settings comprise a new configuration.

15. The method as in claim 1 wherein the selected settings comprise cellular telephone settings.

16. The method as in claim 1 wherein the selected settings comprise cordless telephone settings.

17. A system for configuring a wireless device comprising:
a configuration interface adapted to display settings of a separate wireless device and to transmit selected settings to a wireless service provider.

18. The system as in claim 17 further comprising a wireless service provider adapted to transmit substantially the same selected settings to the separate wireless device.

19. The system as in claim 18 wherein the separate wireless device comprises a cellular telephone.

20. The system as in claim 18 wherein the separate wireless device comprises a cordless telephone.

21. The system as in claim 17 wherein the interface is adapted to display the settings within a web page.

22. The system as in claim 17 wherein the interface is adapted to display the settings within an e-mail menu.

23. The system as in claim 17 wherein the interface is adapted to display the settings within a PDA menu.

24. The system as in claim 17 wherein the interface is adapted to display the settings within a wireless device menu.

25. The system as in claim 18 wherein the provider is adapted to transmit the selected settings according to a schedule.

26. The system as in claim 18 wherein the provider is adapted to repeatedly transmit the selected settings until the separate wireless device receives the transmission.

27. The system as in claim 18 wherein the provider is adapted to transmit the selected settings to the separate wireless device upon receiving a wireless device communications number which identifies the wireless device.

28. The system as in claim 27 wherein the communications number comprises a telephone number.

29. The system as in claim 17 wherein the selected settings comprise an existing configuration.

30. The system as in claim 17 wherein the selected settings comprise a new configuration.

31. The system as in claim 17 wherein the selected settings comprise cellular telephone settings.

32. The system as in claim 17 wherein the selected settings comprise cordless telephone settings.

33. (Canceled).

34. (Canceled).

35. (Canceled).

36. (Canceled).

37. (Canceled).

38. (Canceled).

39. (Canceled).

40. (Canceled).

41. (Canceled).

42. (Canceled).

43. (Canceled).

44. (Canceled).

45. (Canceled).

46. (Canceled).
47. (Canceled).
48. (Canceled).
49. (Canceled).
50. (Canceled).
51. (Canceled).
52. (Canceled).
53. (Canceled).
54. (Canceled).
55. (Canceled).
56. (Canceled).
57. (Canceled).
58. (Canceled).
59. (Canceled).
60. (Canceled).
61. (Canceled).
62. (Canceled).

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph M. Cannon et al Conf: 9026
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Mail Stop Appeal

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NOTICE REGARDING PREVIOUS PAYMENT OF APPEAL BRIEF FEE

Sir:

In connection with the filing of Applicants' Appeal Brief on May 15, 2007 the Applicants note that no Appeal Brief Fee ("Fee") is believed due because this is the second appeal brief the Applicants have filed; the first having been withdrawn based on the Examiner's re-opening of prosecution.

More specifically, in accordance with MPEP §1207.04 and related regulations under 37 CFR §§1.193 *et seq*, no fee is believed due in conjunction with filing of the Applicants' instant Appeal Brief.


For the sake of completeness, if the Commissioner determines an Appeal Brief fee is due, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional appeal

brief fees required as well as fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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